

## Iris Ferber KC

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Iris is a specialist in Social Housing and Employment law, with a particular focus on litigation involving discrimination. She was called to the bar in 2005 and was recently appointed to Silk in 2023.

Iris often deals with high value, legally complex, factually difficult cases – and her cases often involve vulnerable parties and witnesses.

In her Employment practice, that includes all types of discrimination, whistleblowing, trade union detriment, health and safety detriment, historic and high value wages claims, and appeals. She appears in the Employment Tribunal, the High Court and the appellate courts.

In her Property practice, and particularly her specialism of Social Housing, Iris is often instructed in cases involving allegations of discrimination under the Equality Act. She also regularly acts in homelessness appeals and judicial reviews, in cases of tenancy fraud and serious criminal and anti-social behaviour, and in cases involving highly technical aspects of property law, such as forfeiture, service charges, boundaries and tenancies at will.

Iris has been recommended as a Leading Junior by both Legal 500 and Chambers UK, in both the Employment rankings and the Social Housing rankings, since at least 2018.

Iris writes on homelessness and allocations for LexisNexis's PSL service, and she regularly appears in the EAT under the ELAAS scheme.

## Housing Law

Iris began her career in 2006 as a Housing specialist. Since then, she has always maintained a busy Housing practice, and a keen interest in Housing law.

Iris regularly deals with all aspects of Housing law, and has long experience in dealing with complex anti-social behaviour cases, including those involving mental health issues, on behalf of both landlords and tenants.

She is particularly good at dealing with vulnerable clients and witnesses, and managing the complex legal arguments

involved in Equality Act and Human Rights cases.

Iris's expertise in discrimination law generally (because of her combined practice in Housing and Employment Law) makes her particularly adept at handling Equality Act defences.

Iris has extensive experience of homelessness litigation, including s204 appeals in the County Court, judicial review in the High Court, and appeals to the Court of Appeal. She regularly trains local authorities on homelessness law and procedure.

Iris also delivers very popular workshops, both online and in person to solicitors and clients at their offices, on all aspects of Housing litigation.

## Recent Cases

- In 2021 and 2022, Iris has been leading Robert Winspear (of 42BR), representing a local authority in a long-running, very high value disrepair claim brought by a tenant with serious physical and mental health vulnerabilities. The 6-day liability trial involved complex questions of the causation of condensation mould, and the cross-examination of surveyor expert witnesses.
- In 2021, Iris obtained permission from the Court of Appeal for a second appeal, in a case about whether a default judgment (for service charge arrears) is capable of forming the basis for the forfeiture of a long lease. Sadly, the case could not proceed after the grant of permission, but the Court was sufficiently persuaded by Iris's arguments about the need for clarity on this important point of law and practice to give permission on the papers, without an oral permission hearing.
- In 2021, Iris successfully represented an applicant for homeless assistance in his County Court s204 appeal. He had been judged not to be in priority need as a vulnerable person, despite suffering from multiple serious mental and physical health conditions – because the decision-maker had unlawfully focused on what the applicant could do, and on his lack of medical treatment, rather than on the comparative Hotak test.
- In 2021, Iris represented a local authority in a very unusual anti-social behaviour committal case. The Defendants had breached ASB injunctions by returning to their house (from which they had been excluded), allegedly to care for their 200 guinea pigs, but in reality to cause harm and distress to their neighbours and to the local authority's contractors. Iris persuaded the Court to deploy the little-used committal sanction of "asset seizure" to order the seizure of the guinea pigs, rehoming them to happier homes and removing the purported reason for the Defendants to breach the injunction.
- *R (Sambotin) v Brent LBC* [2018] EWCA Civ 1826: Iris represented the local authority in an appeal against a judicial review decision about whether the authority had the power to reconsider a homelessness decision which had already been communicated to an applicant, but which was still subject to an incomplete local connection referral